

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HENRY MARION and
ERNEST WEBSTER,**

Plaintiffs,

VS.

**WERNER ENTERPRISES, INC. and
DRIVER'S MANAGEMENT LLC,**

Defendants.

8:08CV466

ORDER

This matter comes before the court *sua sponte*. On November 2, 2009, the court denied the plaintiffs' motion for class certification ([Filing No. 34](#)). Subsequently, the plaintiffs sought permission from the United States Court of Appeal for the Eighth Circuit to appeal the decision denying class certification pursuant to [Fed. R. Civ. P. 23\(f\)](#). Upon consideration,

IT IS ORDERED:

Counsel for the plaintiff shall contact the chambers of the undersigned magistrate judge **within ten days after resolution of the request to appeal** to schedule a telephone planning conference.

DATED this 4th day of December, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge